

AMENDED IN ASSEMBLY MARCH 26, 2003  
AMENDED IN ASSEMBLY FEBRUARY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 66**

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**Introduced by Assembly Member Leslie**  
**(Coauthors: Assembly Members Aghazarian, Bates, Cogdill, Cox,**  
**Dutton, ~~Harman, Longville, Maddox, Maze Garcia, Harman,~~**  
**Houston, Lieber, Longville, Maddox, Maze, Nakanishi, Pacheco,**  
**and Spitzer)**

December 9, 2002

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An act to amend Section ~~91.5 of the Streets and Highways Code, and to add Article 5 (commencing with Section 330) to Chapter 2.5 of Division 1 of the Water~~ 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 66, as amended, Leslie. Riparian Habitat: Adopt-A-Riverway Program.

**Existing**

*Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets. Existing law authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway.*

The Director of Transportation is authorized to recognize the sponsoring person with the erection of a courtesy sign on the highway. Existing law further authorizes the department to issue encroachment permits. Pursuant to this authority, the department operates a government-volunteer partnership Adopt-A-Highway Program.

Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management.

~~Existing law establishes the Department of Water Resources within the Resources Agency, and vests in the Department of Water Resources management and regulatory responsibilities with respect to the maintenance of waterways, improving ecosystem quality, water supply reliability, and water quality. Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, for use by the Secretary of Food and Agriculture for the purpose of managing and eradicating noxious weeds through local weed management areas implementing integrated weed management plans, as defined.~~

This bill would authorize the ~~Resources Agency to enter into an agreement~~ Department of Food and Agriculture to accept funds, materials, equipment, or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of ~~establishing an~~ operating a government-volunteer partnership Adopt-A-Riverway Program. Participation in the program would include management of noxious and invasive weeds, as defined, ~~and litter removal. Participation in the program would~~ Authorized program activities include planting and establishing native seedling trees, shrubs, native grasses, and wildflowers, ~~improving public access and increasing recreational opportunities,~~ and improving enhancing riparian, aquatic, or fish habitats, *consistent with an integrated weed management plan.* ~~The agency would be required to consult with the Department of Food and Agriculture with respect to noxious and invasive weed management to be carried out under the program. At the request of the Resources Agency, the Director of Transportation would be authorized to recognize the sponsoring person with the erection of a courtesy sign on a public highway near the waterway. The bill would authorize the Secretary of the Resources Agency to make awards to state and local agencies or nonprofit organizations for purposes of implementing the program.~~ The bill would establish an Adopt-A-Riverway Fund as a continuously appropriated trust fund for money and any other proceeds donated, appropriated, transferred, or



otherwise received for the purpose pertaining to the Adopt-A-Riverway Program. *Upon donation of a minimum of \$100,000 to the fund, up to 5% of any individual donation to the fund may be used for courtesy signs recognizing the donor.*

*This bill would authorize the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to place and maintain courtesy signs, when authorized by statute. The bill would authorize the Department of Food and Agriculture to award courtesy signs to persons donating a minimum of \$5,000 annually to the Adopt-A-Riverway Fund and to enter into an agreement with the Department of Transportation or a local authority for production, placement, and maintenance of courtesy signs.*

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Noxious and invasive weeds have destroyed large portions  
4 of riparian habitat along creeks, streams, rivers, lakes, reservoirs,  
5 and other bodies of fresh water in California.

6 (b) Noxious and invasive weeds damage the integrity of the  
7 riparian system by altering erosion, sedimentation, flooding, and  
8 fire.

9 (c) The invasive weed *Arundo donax* (giant reed) has  
10 established large colonies across the state, most notably in  
11 Southern California, where in one 10,000 acre area of riparian  
12 habitat it has been estimated to consume more than 30,000  
13 acre-feet of water each year, or enough water to meet the yearly  
14 fresh water needs of 150,000 persons.

15 (d) Proper noxious and invasive weed management in riparian  
16 habitats is critical to sustaining California's fresh water supply in  
17 the future.

18 ~~(e) The Adopt-A-Highway Program, which began in 1989, has~~  
19 ~~been one of the truly successful government-volunteer~~  
20 ~~partnerships of our time, under which more than 120,000~~  
21 ~~Californians from over 6,000 groups have cleaned and beautified~~  
22 ~~6,000 miles of California roadsides.~~

~~(f) The Legislature intends that the Resources Agency, operate an Adopt-A-Riverway Program, patterned after the Department of Transportation's successful Adopt-A-Highway Program.~~

~~(g) —~~

*(e) The Legislature intends that the Department of Food and Agriculture operate an Adopt-A-Riverway Program consistent with the integrated weed management plans for the control of noxious weeds implemented pursuant to Article 1.7 (commencing with Section 7270) of Chapter 1 of Part 4 of Division 4 of the Food and Agricultural Code.*

~~(f) The Legislature intends that any private gifts, donations, or bequests to the Adopt-A-Riverway Fund are charitable contributions pursuant to Section 170 of the Internal Revenue Code.~~

~~SEC. 2. — Section 91.5 of the Streets and Highways Code is amended to read:~~

~~91.5. (a) The department may enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The department and the sponsoring person may specify in the agreement the level of maintenance that will be performed.~~

~~(b) The director may authorize a courtesy sign. These courtesy signs shall be consistent with existing code provisions and department rules and regulations concerning signs.~~

~~(c) At the request of the Resources Agency, the director may authorize a courtesy sign to recognize a sponsoring person under the Adopt-A-Riverway Program. These courtesy signs shall be consistent with existing code provisions and department rules and regulations concerning signs.~~

~~SEC. 3. — Article 5 (commencing with Section 330) is added to Chapter 2.5 of Division 1 of the Water Code, to read:~~

~~Article 5. — Adopt-A-Riverway Program~~

~~330. (a) The Resources Agency is authorized to operate a government-volunteer partnership Adopt-A-Riverway Program.~~

~~(b) The Resources Agency may enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or enhancement of a section of a state riverway. The agency and the sponsoring person may specify in the~~

1 ~~agreement the level of maintenance or enhancement that will be~~  
2 ~~performed.~~

3 ~~(e) Participation shall include, at a minimum, litter abatement~~  
4 ~~and controlling noxious or invasive weeds, according to an~~  
5 ~~approved plan, along an identified portion of a specified riverway.~~  
6 ~~A sponsoring person shall be allowed to volunteer to participate in~~  
7 ~~litter abatement projects along adopted riverways.~~

8 ~~(d) In addition to the activities specified in subdivision (e),~~  
9 ~~participation may include the following activities:~~

10 ~~(1) Planting and establishing native seedling trees, native~~  
11 ~~grasses, and wildflowers according to an approved plan, along the~~  
12 ~~adopted riverway.~~

13 ~~(2) Improving public access and increasing recreational~~  
14 ~~opportunities, including the development of trails, fishing areas,~~  
15 ~~and other public improvements.~~

16 ~~(3) Improving enhancing riparian, aquatic, or fish habitats,~~  
17 ~~according to an approved plan.~~

18 ~~(e) Activities undertaken pursuant to subdivisions (e) and (d)~~  
19 ~~are subject to review pursuant to the California Environmental~~  
20 ~~Quality Act (Division 13 (commencing with Section 21000) of the~~  
21 ~~Public Resources Code) and any state or locally adopted river~~  
22 ~~management or conservancy plan.~~

23 ~~331. (a) The Resources Agency shall consult with the~~  
24 ~~Department of Food and Agriculture with respect to noxious weed~~  
25 ~~management to be carried out under the Adopt-A-Riverway~~  
26 ~~Program.~~

27 ~~(b) It is the intent of the Legislature that the duties and~~  
28 ~~responsibilities of the Resources Agency and the Department of~~  
29 ~~Food and Agriculture, as provided for in this section, be~~  
30 ~~accomplished by utilizing existing staff resources, as available.~~

31 ~~332. The Resources Agency may request the Director of~~  
32 ~~Transportation to authorize a courtesy sign to be placed on a state~~  
33 ~~highway near the waterway, pursuant to Section 91.5 of the Streets~~  
34 ~~and Highways Code. These courtesy signs shall be consistent with~~  
35 ~~existing Streets and Highways Code provisions and Department of~~  
36 ~~Transportation rules and regulations concerning signs.~~

37 ~~333. (a) The Adopt-A-Riverway Fund is hereby established~~  
38 ~~in the State Treasury. The fund is a trust fund and shall contain~~  
39 ~~money and any other proceeds donated, appropriated, transferred,~~  
40 ~~or otherwise received for purposes pertaining to the~~

~~1 Adopt-A-Riverway Program. The Secretary of the Resources  
2 Agency may collect for deposit into the fund, gifts, donations,  
3 bequests, and moneys made available from federal, state, and local  
4 sources.~~

~~5 (b) Notwithstanding Section 13340 of the Government Code,  
6 the money in the Adopt-A-Riverway Fund is hereby continuously  
7 appropriated to the Resources Agency without regard to fiscal  
8 years for purposes pertaining to the Adopt-A-Riverway Program;  
9 except as provided in subdivision (c).~~

~~10 (c) The money in the fund may be expended for the state's  
11 administration of this article only upon appropriation by the  
12 Legislature in the annual Budget Act, and expenditures for the  
13 state's administration may not exceed the funds made available  
14 from federal, state, and local sources.~~

~~15 (d) To implement this article, the Secretary of the Resources  
16 Agency shall award grants from the Adopt-A-Riverway Fund to  
17 state or local agencies or nonprofit organizations. The Secretary of  
18 the Resources Agency may give priority when making awards, to  
19 those state or local agencies or nonprofit organizations that  
20 contract with the California Conservation Corps and local  
21 conservation corps certified by the California Conservation Corps  
22 pursuant to Sections 14507.5 or 14406 of the Public Resources  
23 Code, or persons that employ at risk youth to carry out the  
24 program participation. The eligibility of each award shall be  
25 determined solely by the Secretary of the Resources Agency.~~

~~26 (e) Upon notification by the Resources Agency, the Controller  
27 shall pay all awards from the Adopt-A-Riverway Fund. Eligible  
28 awards submitted by the Resources Agency to the Controller shall  
29 be accompanied by information specifying the amount of each  
30 payment and a summary description of how payment of the award  
31 furthers the purposes of the Adopt-A-Riverway Program.~~

~~32 334. — For purposes of this article:~~

~~33 (a) "Person" means all persons whether natural or artificial,  
34 including, but not limited to, the United States of America, and all  
35 political subdivisions, districts, municipalities, and public  
36 agencies of the State of California.~~

~~37 (b) "Noxious and invasive weeds" include *Arundo donax*  
38 (Giant reed), *Myriophyllum spicatum* (eurasian milfoil), *Rubus*  
39 spp. (Brambles), *Lepidium latifolium* (Perennial pepperweed),  
40 *Cardaria draba* (Hoary cress), *Retama monosperma* (bridal~~

1 bloom), *Vinea major* (periwinkle), *Tamarix* spp. (Tamarisk, salt  
2 cedar), *Delairea odorata* (Cape/German ivy), *Centaurea solstitialis*  
3 (Yellow star thistle). The department may, in consultation with the  
4 Department of Food and Agriculture, adopt regulations  
5 establishing additional noxious and invasive weeds suitable for  
6 management, consistent with this article.

7 (c) “Riverway” means the water, bed, shoreline, and riparian  
8 vegetation, of any creek, including an “urban creek” as defined in  
9 Section 7048, stream, river, lake, reservoir, or other body of fresh  
10 water, including a “stream environment zone” as defined in  
11 Section 66957 of the Government Code.

12 (g) *The Legislature intends that a portion of the donations*  
13 *made to the Adopt-A-Riverway Program be used to pay for*  
14 *courtesy signs in recognition of the donors’ efforts to restore*  
15 *California’s riverways and riparian habitats.*

16 (h) *The Legislature intends the act adding this section to*  
17 *encourage local governments to organize litter removal events in*  
18 *which persons may volunteer time to pick up litter along*  
19 *waterways and in riparian habitats within the local government’s*  
20 *jurisdiction.*

21 SEC. 2. Section 7270.5 of the Food and Agricultural Code is  
22 amended to read:

23 7270.5. For the purposes of this article, “~~integrated~~”:

24 (a) *Integrated weed management plan*” means an  
25 ecosystem-based control strategy that focuses on long-term  
26 prevention of weeds through a combination of techniques, such as  
27 biological controls, judicious use of herbicides, modified land  
28 management, and cultural practices, and where control practices  
29 are selected and applied in a manner that minimizes the risks to  
30 human health, nontargeted organisms, and the environment.

31 (b) *“Noxious and invasive weeds” means weeds that the*  
32 *department has determined to be either noxious or invasive weed*  
33 *species.*

34 (c) *“Person” shall have the same meaning as in Section 38, but*  
35 *shall additionally include the United States of America, and all*  
36 *political subdivisions, districts, municipalities, and public*  
37 *agencies of the State of California.*

38 (d) *“Riverway” means the water, bed, shoreline, and riparian*  
39 *vegetation, of any creek, including an “urban creek” as defined in*  
40 *Section 7048 of the Water Code, stream, river, lake, reservoir, or*



1 other body of fresh water, including a “stream environment zone”  
2 as defined in Section 66957 of the Government Code.

3 SEC. 3. Section 7275 is added to the Food and Agricultural  
4 Code, to read:

5 7275. (a) The department is authorized to operate a  
6 government-volunteer partnership Adopt-A-Riverway Program.

7 (b) The department may receive funds, materials, equipment,  
8 or services from any person to assist a weed management area in  
9 implementing an integrated weed management plan, pursuant to  
10 this article.

11 (c) Adopt-A-Riverway Program activities may include the  
12 following activities, provided the activities are completed as part  
13 of an integrated weed management plan:

14 (1) Planting and establishing native seedling trees, native  
15 grasses, and wildflowers along the adopted riverway.

16 (2) Improving and enhancing riparian, aquatic, or fish  
17 habitats.

18 (d) Activities undertaken pursuant to subdivision (c) are  
19 subject to review pursuant to the California Environmental  
20 Quality Act (Division 13 (commencing with Section 21000) of the  
21 Public Resources Code) and any state or locally adopted river  
22 management or conservancy plan.

23 (e) The secretary may request the Director of Transportation or  
24 a local authority to authorize a courtesy sign to be placed on a state  
25 highway, county highway, or city street, near the riverway,  
26 pursuant to Chapter 2 (commencing with Section 1975) of  
27 Division 2.7 of the Streets and Highways Code.

28 (f) It is the intent of the Legislature that the duties and  
29 responsibilities of the department, as provided for in this section,  
30 be accomplished by utilizing existing staff resources, as available.

31 SEC. 4. Section 7276 is added to the Food and Agricultural  
32 Code, to read:

33 7276. (a) The Adopt-A-Riverway Fund is hereby established  
34 in the State Treasury. The fund is a trust fund and shall contain  
35 money and any other proceeds donated, appropriated, transferred,  
36 or otherwise received for purposes pertaining to the  
37 Adopt-A-Riverway Program. The secretary may collect for deposit  
38 into the fund, gifts, donations, bequests, and moneys made  
39 available from federal, state, and local sources. Notwithstanding  
40 Section 13340 of the Government Code, the money in the



1 *Adopt-A-Riverway Fund is hereby continuously appropriated to*  
2 *the department without regard to fiscal years for purposes*  
3 *pertaining to the Adopt-A-Riverway Program.*

4 *(b) Notwithstanding subdivision (c) of Section 7271, the*  
5 *secretary of the department shall award grants from the*  
6 *Adopt-A-Riverway Fund for the purpose of integrated weed*  
7 *management along riverways and in riparian habitats consistent*  
8 *with Sections 7272 and 7272.5.*

9 *(c) Notwithstanding subdivision (c) of Section 7271, the*  
10 *secretary of the department may award grants from the*  
11 *Adopt-A-Riverway Fund to nonprofit organizations for integrated*  
12 *weed management along riverways and in riparian habitats. The*  
13 *department shall establish regulations for grant eligibility and*  
14 *award pursuant to this subdivision.*

15 *(d) Upon donation of a minimum of one hundred thousand*  
16 *dollars (\$100,000) to the fund, up to 5 percent of any individual*  
17 *donation to the fund may be used for courtesy signs to be produced,*  
18 *placed, and maintained pursuant to Chapter 2 (commencing with*  
19 *Section 1975) of Division 2.7 of the Streets and Highways Code.*

20 *SEC. 5. Division 2.7 (commencing with Section 1970) is*  
21 *added to the Streets and Highways Code, to read:*

22  
23 *DIVISION 2.7. COURTESY SIGNS*

24  
25 *CHAPTER 1. GENERAL PROVISIONS*

26  
27 *1970. (a) The department and local authorities, with respect*  
28 *to highways under their respective jurisdictions, may place and*  
29 *maintain, or cause to be placed and maintained, courtesy signs,*  
30 *when authorized by statute.*

31 *(b) Courtesy signs shall be consistent with existing code*  
32 *provisions and department rules and regulations concerning*  
33 *signs.*

34 *(c) Courtesy signs shall only be placed upon a state highway*  
35 *upon the authorization of the director.*

36 *(d) Courtesy signs shall only be placed upon the highways of*  
37 *a local authority, upon the approval of an authorizing resolution*  
38 *by a majority of the members of the governing body of that local*  
39 *authority. The resolution authorizing the placement of courtesy*  
40 *signs shall include all of the following:*

1     (1) A general plan of where the courtesy signs will be placed  
2     within the geographical borders of the local authority, including  
3     any street, bike trail, or pedestrian path.

4     (2) A finding that the planned placement of the courtesy signs  
5     would not degrade the natural environment of the area.

6  
7             CHAPTER 2.   ADOPT-A-RIVERWAY PROGRAM  
8

9     1975. (a) Highway courtesy signs may be awarded by the  
10    Department of Food and Agriculture, to persons that donate a  
11    minimum of five thousand dollars (\$5,000) annually to the  
12    Adopt-A-Riverway Fund. Donors may stipulate in which county  
13    they desire the courtesy signs be placed and may request specific  
14    sign placement within the county.

15    (b) The Department of Food and Agriculture may enter into an  
16    agreement with the department or a local authority for production,  
17    placement, and maintenance of courtesy signs, to be awarded  
18    pursuant to this section.

